

REMARKS/ARGUMENTS

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Applicants are responding to the June 27, 2007 Office Action calling for a restriction and election of species. The restriction required election of one of the following inventions:

- I. Claims 1-15 and 28, drawn to a method of detecting a *Bacillus anthracis* protein in a competitive immunoassay format.
- II. Claims 16-27, drawn to a method of detecting antibodies with a fluorochrome labeled reagent that directly binds to the antibody.

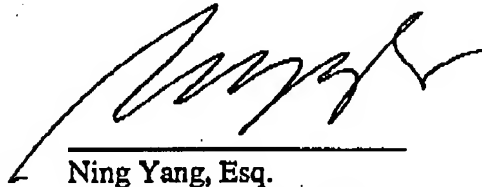
Applicants elect Group I, claims 1-15 and 28 drawn to a method of detecting a *Bacillus anthracis* protein in a competitive assay, with traverse. Applicants also elect the species A (claims 1 – 15 and 28): the detection of protective antigen protein by fluorescence polarization, with traverse.

Traverse

There are two criteria for a proper requirement for restriction between patentably distinct inventions: (A) the invention must be independent or distinct; and (B) there must be a serious burden on the Examiner if restriction is required. MPEP 803.

In the current case, Groups I and II are both contained in Class 435, with the method of using competitive immuno-assay (i.e., FP, FLT or FRET) applied to the same organism (i.e., *Bacillus anthracis*). Since there is only a limited and narrow prior art search that is required there is no basis to establish that a joint search of Group I and II, in a single application would be burdensome. The restriction requirement fails to fulfill the burden of establishing the criteria necessary for a proper restriction requirement. Accordingly, Applicants respectfully request that Group I and Group II claims be rejoined for prosecution in this application.

Respectfully submitted,



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